



New River Land Conservation Planning Study for a Proposed National Wildlife Refuge

Planning Update 2

Greetings

This is the second Planning Update from the U.S. Fish and Wildlife Service (Service) designed to inform and involve you in the planning process for the New River Land Conservation Planning Study in Coos and Curry Counties, Oregon.

Whimbrels at New River Bottoms.

Photo: Ramiel Papish, USFWS.



New River Study Being Deferred

The Service evaluates its land conservation priorities on the national and regional levels annually. As part of this evaluation, the Service has concluded that while the New River area provides habitats

important to a variety of fish and wildlife, especially the Aleutian cackling goose, planning for the proposed New River National Wildlife Refuge (Refuge) is not the Service's highest priority at this time. Therefore, the Service has decided to defer planning for the proposed Refuge. The Service may revisit this decision if national and regional acquisition priorities change.

This Update concludes the current planning process for this Refuge proposal.

The Service plans to continue working with our partners to help them conserve and restore important habitats along the Oregon Coast, even though refuge planning for the New River area is being deferred.

Thank You for Participating

Thank you for participating in the public scoping period for this study. An Open House was held on June 16, 2005, in Langlois, Oregon. The Service received public comments on the project during the Open House and in subsequent correspondence in the form of letters, faxes, and e-mails. Those comments are summarized on the following pages. We appreciate your comments and involvement.

Photo Dave Leidy USFWS.



Open House held on June 16, 2005, in Langlois, Oregon.

Summary of Comments and Responses

In this section, the comments we received on the proposed New River Refuge are summarized. Many of the issues raised are also addressed. However, some issues would require further research and analysis, which will not be conducted at this time

due to planning being deferred for this Refuge proposal. If we were able to respond to your question or issue, you will find the responses following the comments' summaries. Comments are grouped under issue headings.

Issue: Establishment of the New River National Wildlife Refuge

Comments. There was strong support for establishing a Refuge. The Refuge is a win-win situation for wildlife and ranchers by providing protected habitat while maintaining the ranching lifestyle. Oregon's land use laws may change in the future allowing urban development to sprawl into pasture land, riparian forest and open space; consequently, it is critical to preserve habitat in the New River area over the long-term.

The New River Refuge would protect habitat needed by many species of wildlife for raising young, feeding and completing their life cycle. Aleutian cackling geese, shorebirds, raptors and other migratory birds, anadromous fish and mammals would benefit from the establishment of a refuge. There are human benefits to having a refuge in the New River Bottoms.

Establishing the Refuge is environmentally desirable and would enhance the economic situation in the community. The impact from recovery of the Aleutian cackling goose population (i.e., tens of thousands of geese depredating pastures) could be eased by establishing a refuge through conservation easements. This would be a good opportunity to pay landowners to protect wildlife values through conservation easements or through purchasing land in fee title from willing sellers. The Refuge would protect open space for the long-term, benefit a variety of wildlife, and preserve a unique quality of life on the coast.

Do not establish the Refuge. What specific impacts would refuge establishment have on local land use, land ownership, specific wildlife, and other natural resources?

Response. The Service appreciates the support for this project. Further analysis is needed to provide responses to many of these comments.

Issue: Aleutian Cackling Goose Management

Comments. What are the potential impacts to ranches and farms from geese in the New River Bottoms? Would landowners surrounded by easements, but not participating in the easement program, be prevented from managing their lands with regard to the geese? Can farmers be compensated for goose depredation or subsidized for seed or fertilizer through other government programs? Efforts should be made to attract geese to lands already in public ownership.

What is the status of goose hunting? What would happen if the land use changed and the geese went elsewhere? It is important to have a refuge that would secure habitat for geese and other wildlife, however, conservation agreements should allow for continued livestock grazing.

Response. The Aleutian cackling goose management objectives associated with the Refuge proposal included protection of high quality forage and sanctuary on public lands for a large portion of the Aleutian cackling goose population; and reduction of Aleutian cackling goose depredation concerns within key goose use areas through purchase of conservation easements.

The Service would have no control or management authority regarding goose management on lands not under easement to or owned by the Service. The management efforts were proposed to enhance and contribute to existing habitat protection efforts of the Bureau of Land Management, Oregon Department of Parks and Recreation, and Oregon Department of Fish and Wildlife (ODFW), and help local landowners and communities continue to manage large tracts of land for the benefit of fish, wildlife and plants. →



The Aleutian cackling goose is one of the primary waterfowl species using the New River Bottoms. Photo: Roy W. Lowe, USFWS.

The Service is not authorized to monetarily compensate landowners for goose depredation. Thus, part of the rationale for proposing the acquisition of easements and establishing a refuge was to reduce the burden of goose depredation on private land. The Service is not aware of any Federal program that monetarily compensates landowners for depredation or subsidizes farmers for seed or fertilizer specifically to compensate for depredation.

Aleutian cackling goose hunting is managed by ODFW, 3406 Cherry Avenue NE, Salem, OR 97303, phone (503) 947-6000 or (800) 720-ODFW, or Internet site www.dfw.state.or.us. The New River Bottoms and other local areas west of U.S. Highway 101, were open to goose hunting during the general 2005-2006 hunting season for the first time in more than two decades.

Issue: Management of Other Fish, Wildlife, and Plants

Comments. Would all plant and wildlife species within the proposed Refuge be protected? How would Refuge establishment affect species such as the federally-listed threatened western snowy plover, endangered western lily, coho salmon, and invasive beachgrass? What would the Refuge goals be and how might they change over time?

Response. The impetus for the Service to establish the Refuge was to provide high quality forage and sanctuary

on public lands for a large portion of the Aleutian cackling goose population and to help reduce goose forage depredation. Under the proposed Refuge program, these primary concerns would have been complemented and balanced with habitat protection for native fish, wildlife, and plants. The Service would have worked with the Bureau of Land Management Coos Bay District—which has conducted extensive biodiversity and ecosystem conservation work in the New River Bottoms, ODFW, and others in an effort to accomplish adaptive resource protection.

Issue: Additional Aspects of Refuge Management

Comments. Would there be opportunities for public access for hiking, hunting, fishing, and environmental education? It would be an economic boost for the local economy if low impact wildlife-dependent recreation opportunities such as birdwatching, hiking, wildlife photography, interpretation and environmental education could be developed. Clarify how wind energy development and Refuge establishment would affect each other. Please address water quality, runoff from cranberry production, and herbicide use in planning documents.

How would beavers be managed, if they cause problems? How would the proposed Refuge be signed and posted? Refuge management should benefit the full range of native plants and animals and not primarily focus on the Aleutian cackling goose. The New River Bottoms should be protected and restored even if the foredune habitat is eliminated by natural forces. Refuge establishment should allow for restoration of wetlands and riparian habitats for migratory birds, salmon, and at-risk species such as the western lily.

Response. As described in Planning Update 1, the Refuge was proposed to consist primarily of conservation easements, meaning that the land would remain in private ownership. If the proposed Refuge

was established with conservation easements, the rights and control of public access would be determined by the private landowner and the terms of the easement contract. It is unknown if any of the private landowners would have allowed any form of public access. Lands purchased in fee title by the Service from willing sellers, on the other hand, could have been proposed for public use. However, before uses can be allowed on a national wildlife refuge, Federal law requires written compatibility determinations to be completed stating that the uses are compatible with the purposes for which the refuge was established. Hunting, fishing, wildlife observation and photography, and environmental education and interpretation are the priority public uses of the Refuge System. These uses receive enhanced consideration over other general public uses in refuge planning and management.

Regarding wind energy, landowners within the proposed Refuge boundary would have all the rights, privileges, and responsibilities of private land ownership, and could make their own decisions about wind energy, regardless of the existence of a Refuge boundary. The Service would have evaluated, on a case by case basis, whether or not to purchase, from a willing seller, easement rights or the fee title to property encumbered with a commitment to wind energy. ➔

Beaver management is handled by ODFW. Under the Refuge proposal, the Service would have addressed any beaver problems on Refuge lands on an individual basis with the landowner under the terms of the easement. Sign placement and posting of Refuge easement properties would have been negotiated with the individual landowners during the establishment of an easement. Land management practices that maintain short grass habitats in key Aleutian cackling

goose use areas encourage current use patterns for the geese within the New River Bottoms. The Service was seeking to protect this goose habitat through continued ranching practices via conservation easements from willing sellers, and protect and restore the associated wetland, grassland, and forest habitats critical to the full spectrum of native species they support.

Issue: Significance of a Refuge Acquisition Boundary

Comments. What is the proposed Refuge boundary line and how it is identified? What are the consequences to landowners if their properties are included within an approved Refuge boundary? Could my property be removed from the Study Area, I am not interested in selling? Does the Service have a legal right to take privately owned land? Include my land within the Study Area. Include Elk River within the Study Area and Floras Lake, to protect wildlife and birds from impacts of wind surfing on the Lake. What has to happen before easement or fee title negotiations can occur? Would landowners be asked if they are interested in selling rights after the proposed Refuge boundary is established? The Service should continue to work closely with local landowners and the community in developing this proposal because these types of projects only work when the local community is included in the entire planning process.

Response. An approved Refuge boundary allows the Service to be a potential buyer of real property within the boundary. The proposed Refuge boundary was identified primarily to assist in meeting the habitat needs of the Aleutian cackling goose and avoiding unwanted goose forage depredation.

Landowners within an approved Refuge boundary retain all the rights, privileges, and responsibilities of private land ownership including the rights to access the property, control trespass, sell to any party, and develop their properties. In other words, an approved Refuge boundary does not preclude landowners from developing or otherwise using their property in a manner consistent with local zoning and regulatory provisions. Landowners within an approved Refuge boundary can sell their land at any time to any buyer. All this is true even if the Service has acquired easement rights or fee title to land adjacent to private lands.

Issue: Land Acquisition

Comments. What are the benefits of a refuge to local citizens? Why are additional Federal lands needed in the New River area? Farmland should not be taken out of production. Would easements be in perpetuity? What would happen if gross neglect occurred on an easement? The Service should coordinate with the Bureau of Land Management regarding management of the New River area and the two agencies should make a cohesive plan to work together to manage the area's natural resources.

Property should not be taken off the tax rolls. Would easements reduce the monetary value of the land? The proposed Refuge would increase property values in the area, given that the Refuge would protect open space and enhance the quality of life. Land should not be taken from landowners unwillingly. Does the Service

have a legal right to take land? What would the Service pay for my property? I would like to see a budget for the project. Would the Service appraise the property with and without the easement and pay the landowner the difference? The Service should purchase fee title, as well as easements from willing sellers, to allow the Refuge to do more intensive restoration and provide public access for wildlife viewing.

Response. A national wildlife refuge serves local citizens by preserving the region's ecological and aesthetic values. Communities benefit from open space which does not burden the municipal infrastructure but still provides revenues under the Refuge Revenue Sharing Act. Landowners benefit from the Service's land acquisition program in that the Service pays or reimburses many transaction expenses. For instance, the Service pays for the appraisal, title evidence, mortgage prepayment



penalties, mortgage releases, boundary survey, recording fees, escrow and contaminant surveys, and certain reasonable and necessary expenses. The Service, as a Federal agency mandated with a conservation mission, purchases easements or fee title from willing sellers to prevent habitat loss and fragmentation that might otherwise occur from development.

The Service typically is interested in easements in perpetuity, and monitors easement lands to insure compliance with the terms of the easements. In the case of proposed New River easements, the Service was seeking to provide for continued ranching and farming practices that maintain short grass, allowing for adaptive management. The Service has a particular interest in ensuring protection of the Aleutian cackling goose as a trust resource as well as native fish, wildlife, and plants in the area.

Under the Refuge proposal, property subject to conservation easements purchased by the Service from willing landowners, would have remained in private ownership, and would be subject to property taxes. Lands purchased in fee title for a refuge, like other Federal, State, and county-owned lands, are not subject to property taxes. However, under the provisions of the Refuge Revenue Sharing Act (Public Law 95-469), the Service annually reimburses

counties for revenue lost when the Service purchases private properties in fee title. Payments are based on the highest value as determined by one of the following three equations: three quarters of 1 percent of fair market value of the land; 25 percent of net receipts; or \$.75 per acre, subject to annual appropriations. The Act also requires a reappraisal of Service acquired lands every 5 years to ensure payments to local governments are based on current values. Revenue Sharing payments apply to fee title lands but not to lands under an easement.

The Service's land acquisition program operates under a willing seller policy. Service land acquisition for the proposed Refuge would have been prioritized based on habitat value for the Aleutian cackling goose, and other fish and wildlife. If a landowner was willing to consider an offer from the Service to purchase any portion of their property, and the Service was willing to pursue acquisition based on the property's habitat values, the Service would have obtained and paid for an appraisal. The appraisal would typically be done by a local contract appraiser and would be prepared in accordance with uniform appraisal standards. The Service's purchase offer would be based on the full amount of the approved appraisal. The landowner would be under no obligation to accept the offer.



Western sandpipers. Photo: Dave Ledig, USFWS.

Again, thank you for your interest and participation in the planning process. If study for a New River Refuge is renewed, you will be notified by mail.

For Information on the National Wildlife Refuge System contact:

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The New River area provides habitat for native fish species including coho salmon. Photo USFWS.



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Address correction requested

In this issue:

Review a summary of
the comments and
questions submitted
by the public on a
proposal to protect
habitat within the New
River Bottoms
ecosystem.



Visit the website for the Oregon Coast National Wildlife Refuge Complex at <http://oregoncoast.fws.gov>